

1 Elizabeth J. Cabraser (CA SBN 083151)
2 ecabraser@lchb.com
3 Kelly M. Dermody (CA SBN 171716)
4 kdermody@lchb.com
5 Kevin R. Budner (CA SBN 287271)
6 kbudner@lchb.com
7 LIEFF CABRASER HEIMANN &
8 BERNSTEIN, LLP
9 275 Battery Street, 29th Floor
10 San Francisco, CA 94111-3339
11 Telephone: (415) 956-1000
12 Facsimile: (415) 956-1008
13 Jonathan D. Selbin (CA SBN 170222)
14 jselbin@lchb.com
15 LIEFF CABRASER HEIMANN &
16 BERNSTEIN, LLP
17 250 Hudson Street, 8th Floor
18 New York, NY 10013
19 Telephone: (212) 355-9500
20 Facsimile: (212) 355-9592

21 Robert Klonoff (pro hac vice)
22 klonoff@usa.net
23 ROBERT H. KLONOFF, LLC
24 2425 SW 76th Ave.
25 Portland, OR 97225
26 Telephone: (503) 291-1570

27 *Attorneys for Plaintiffs*
28 *(additional counsel listed on signature page)*

DAVID F. McDOWELL (CA SBN 125806)
DMcDowell@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017-3543
Telephone: 213.892.5200
Facsimile: 213.892.5454

ERIN M. BOSMAN (CA SBN 204987)
EBosman@mofo.com
JULIE Y. PARK (CA SBN 259929)
JuliePark@mofo.com

KAI S. BARTOLOMEO (CA SBN 264033)
KBartolomeo@mofo.com
MORRISON & FOERSTER LLP
12531 High Bluff Drive
San Diego, California 92130-2040
Telephone: 858.720.5100
Facsimile: 858.720.5125

Attorneys for Defendant Fitbit, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KATE MCLELLAN, TERESA BLACK,
DAVID URBAN, ROB DUNN, RACHEL
SAITO, TODD RUBINSTEIN, RHONDA
CALLAN, JAMES SCHORR, BRUCE
MORGAN, and AMBER JONES, Individually
and on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

FITBIT, INC.,

Defendant.

JUDITH LANDERS, LISA MARIE BURKE,
and JOHN MOLENSTRA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

FITBIT, INC.,

Defendant.

Case Nos. 16-cv-00036-JD; 16-cv-00777-JD

**STIPULATION OF DISMISSAL WITH
PREJUDICE**

The Honorable James Donato

WHEREAS, in orders issued on October 11, 2017, and January 24, 2018, the Court granted Fitbit, Inc.’s Motion to Compel Arbitration (Dkt. Nos. 114, 126) as to all Plaintiffs in the above-captioned actions (the “Action”) except Rob Dunn.

WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all Plaintiffs in the Action, by and through their undersigned counsel, voluntarily dismiss all claims against Fitbit, Inc. with prejudice.

WHEREAS, Fitbit, Inc., by and through its undersigned counsel, consents to the dismissal.

The Parties stipulate that the Action is dismissed with prejudice, with all parties bearing their own costs.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: July 26, 2019

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Jonathan D. Selbin
Jonathan D. Selbin

Jonathan D. Selbin (CA SBN 170222)
jselbin@lchb.com

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: (212) 355-9500
Facsimile: (212) 355-9592

Elizabeth J. Cabraser (CA SBN 083151)
ecabraser@lchb.com

Kelly M. Dermody (CA SBN 171716)
kdermody@lchb.com

Kevin R. Budner (CA SBN 287271)
kbudner@lchb.com

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

1 Robert Klonoff (*pro hac vice*)
2 klonoff@usa.net
3 ROBERT H. KLONOFF, LLC
4 2425 SW 76th Ave.
5 Portland, OR 97225
6 Telephone: (503) 291-1570
7 Rosemary M. Rivas (CA SBN 209147)
8 rrivas@zlk.com
9 LEVI & KORSINSKY LLP
10 44 Montgomery Street, Suite 650
11 San Francisco, CA 94104
12 Telephone: (415) 373-1671
Facsimile: (415) 484-1294

13 Adam C. McCall (CA SBN 302130)
amccall@zlk.com
14 LEVI & KORSINSKY LLP
15 445 South Figueroa Street, 31st Floor
16 Los Angeles, CA 90071
17 Telephone: (213) 985-7290
18 Facsimile: (866) 367-6510
Attorneys for Plaintiffs

Dated: July 26, 2019

19 By: /s/ David F. McDowell
20 David F. McDowell

21 David F. McDowell (CA SBN 125806)
dmcdowell@mofo.com
22 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
23 Los Angeles, California 90017-3543
San Francisco, California 94105-2482
Telephone: (213) 892-5200
Facsimile: (213) 892-5454

24 Erin M. Bosman (CA SBN 204987)
ebosman@mofo.com
Julie Y. Park (CA SBN 259929)
JuliePark@mofo.com
Kai Bartolomeo (CA SBN 264033)
kbartolomeo@mofo.com
MORRISON & FOERSTER LLP
12531 High Bluff Drive
25 San Diego, California 92130-2040
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

26 *Attorneys for Defendant Fitbit, Inc.*

27

28

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories above.

Dated: July 26, 2019

By: /s/ Jonathan D. Selbin
Jonathan D. Selbin

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that, on July 26, 2019, service of this document was accomplished
3 pursuant to the Court's electronic filing procedures by filing this document through the ECF
4 system.

5 */s/ Jonathan D. Selbin*
6 Jonathan D. Selbin

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28